

SECTION 14. FENCE REGULATIONS

14.1. Permits.

Prior to the construction, reconstruction, modification, enlargement, extension, or alteration of a masonry fence which exceeds or will exceed six feet in height, there shall be a building permit therefor, approved by the city. Upon completion of the construction, the fence shall be inspected by the city to ensure compliance with the building permit and the provisions of this ordinance. (Ord. No. O-95-26, § 3, 7-3-1995; Ord. No. O-99-62, § 3, 11-15-1999)

14.2. Use regulations.

- A. Dimensions of fences. No fence shall be constructed at a height exceeding eight feet.
- B. Placement of fences.
 - 1. Except as provided herein, no fence shall be constructed in front of the designated building line of any property zoned R rural single-family, R-1 single-family, R-1-A single-family, R-2 single-family, R-3 two-family, R-4 patio-cluster, R-5 townhouse, R-6 Condominium, MF-1 multifamily, MF-2 multifamily, LC local commercial, LC-O local commercial office, LC-1 local retail restricted, LC-2 local retail, or LC-3 retail.
 - a. A fence may be constructed in front of the designated building line of any property zoned LC-2 local retail or LC-3 retail on a lot on which a nonresidential development is located, provided such fencing:
 - i. Is installed in conjunction with perimeter fencing along the sides and rear of a tract;
 - ii. Does not impede sight distances as provided in the City Infrastructure Code and the City Infrastructure Design Manual; and
 - iii. Consists of black wrought iron or a combination of black wrought iron and masonry pilasters. Black tubular steel may be used in lieu of wrought iron. Masonry pilasters must consist of the same primary materials and colors as approved for the principal building.
 - b. A fence may be constructed in front of the designated building line of any property zoned R rural single-family, R-1 single family, R-1-A single-family, R-2 single-family, R-3 two-family, R-4 patio-cluster, R-5 townhouse, R-6 condominium, MF-1 multifamily, or MF-2 multifamily on a lot on which a single family dwelling is located provided such fencing:

- i. Is located on a residential lot of a minimum area of .8 acres with a minimum linear frontage of 125 feet, or is located on a residential lot of a minimum area of .8 acres with less than the minimum linear frontage of 125 feet fronting a cul-de-sac that has other residential lots of a minimum area of .8 acres and minimum linear frontage of 125 feet on such cul-de-sac with installed fencing in accordance with this subsection;
 - ii. Does not impede site distances as provided in the city infrastructure code and the city infrastructure design manual;
 - iii. Consists of black wrought iron or a combination of black wrought iron and masonry pilasters. Black tubular steel may be used in lieu of wrought iron. Masonry pilasters must consist of the same primary materials and colors as approved for the principal building; and
 - iv. Has openings on such fencing that meet the minimum requirements for swimming pool enclosures for multiunit rental complexes as set forth under state law or for residential swimming pools as set forth under local ordinance, whichever is more restrictive.
2. Fences may be constructed on all property lines or within any property zoned LC-4 retail, BP business park, I industrial, or SD suburban.
3. Fences may be constructed on all property lines or within any property for a condominium development in any property zoned R-6 condominium, for a multifamily development in any property zoned MF-1 multifamily or MF-2 multifamily or for a manufactured home development in any property zoned MH manufactured home.
4. In any zoning district in which fencing is to be adjacent to roadways, a sight distance analysis shall be prepared by a professional engineer licensed in the State of Texas, and submitted for review and approval by the City Engineer.

(Ord. No. 0-06-38, § 3 adopted 8/21/06)

- C. Permanent barbed wire fences. Permanent barbed wire fences may only be erected and maintained in accordance with this subsection.
 1. Permanent barbed wire fences shall be allowed in all districts where used for the lawful control of livestock.

2. For uses other than for the lawful control of livestock, permanent barbed wire fences shall be permitted in LC-4 retail, and I industrial districts, in accordance with the terms and provisions of this section.
 - a. Barbed wire shall be located behind the designated front building line.
 - b. Barbed wire shall only be allowed at elevations of between six and eight feet and must be atop fences constructed of other materials.
 3. In all cases, barbed wire shall be strung tightly and shall not be suspended in a loose, coiled or concertina manner.
- D. Temporary fences. Permits for temporary fences for the purpose of protection or securing of construction sites may be granted for a one-year renewable period. Such temporary fencing must be removed upon completion of construction. Barbed wire fences may be allowed for temporary use provided that the height, location, and number of strands shall be approved by the city.

(Ord. No. O-90-7, § 6, 3-19-1990; Ord. No. O-95-26, §§ 4, 5, 7-3-1995; Ord. No. O-95-17, § 3, 5-6-1996; Ord. No. O-98-10, § 35, 3-2-1998; Ord. No. O-99-62, § 3, 11-15-1999; Ord. No. O-01-65, § 11, 12-17-2001; Ord. No. O-03-05, § 3, 2-17-2003)

14.3. Community fencing.

- A. Community fencing for R, R-1, R-1-A, R-2, R-3, R4 and R-5 districts. Residential subdivision perimeters in districts zoned R rural single-family, R-1 single-family, R-1-A single-family, R-2 single-family, R-3 two-family, R-4 patio-cluster and R-5 townhouse, which are adjacent to collector streets or major thoroughfares, shall be fenced with community fencing, consisting of a minimum of wood fencing and brick pilasters.
- B. Community fencing for R-6, MH, MF-1 and MF-2 districts. Residential subdivision perimeters in districts zoned R-6 condominium, MH manufactured home, MF-1 multifamily and MF-2 multifamily districts, which are adjacent to collector streets or major thoroughfares, shall be fenced with community fencing, consisting of a minimum of masonry fencing. The community fencing for condominium or multifamily developments in R-6, MF-1, and MF-2 districts may consist of wrought iron or tubular steel, instead of the masonry fencing. The distance between all pickets on such community fencing shall meet the minimum requirements for swimming pool enclosures for multiunit rental complexes as set forth under state law or for residential swimming pools as set forth under local ordinance, whichever is more restrictive.
- C. All plans for community fences shall be reviewed and approved by the city prior to construction.
- D. Design and construction standards.

1. General.
 - a. These design and construction standards shall only apply to those residential developments in the city, which are constructed after the adoption of this ordinance. Existing residential developments are encouraged to utilize these standards as guidelines in the replacement of their community fencing.
 - b. The minimum height for community fencing shall be six feet.
 - c. All fence tops must be visually level, except when fencing is over levees or similar topographic features.
 - d. The bottoms of fences shall be finished to appear level but shall be designed as to not impede drainage.
 - e. Community fencing consisting of pilasters or columns shall, at a minimum, have a pilaster or column at each alignment and/or grade change, with such spacing's between pilasters or columns not to be greater than 300 feet in intervals.
 - f. Long expanses of community fencing may consist of visual breaks or architectural treatments, such as landscaped areas; indentations; and/or, use of primed and painted wrought iron or tubular steel fencing, black in color.
 - g. Interior open spaces, such as the end of cul-de-sacs, creeks, drainage easements, open space easements, and other similar features, may be fenced using primed and painted wrought iron or tubular steel fencing, black in color, to allow view of such areas.
 - h. All materials used on community fencing shall be securely fastened to ensure an on-going attractive appearance and safe condition, free from rot, mildew, termite infestation, rust, vandalism, and other sources of physical or visual damage.
 - i. All nails or fasteners used on community fencing shall be of non-rusting, non-corrosive metal, and shall be of a type that when properly driven, will not work free due to wind, vibration, or shrinkage of members.
 - j. All concrete footing required in the construction of community fencing shall be designed by a professional engineer licensed in the State of Texas.
 - k. Except as provided herein, painting community fencing shall be prohibited.
2. Wood fencing.
 - a. Wooden portions of community fencing shall be erected with the finished side facing out toward the roadway. All wooden portions of community fences shall consist of wood stockade fencing material, which are weather and decay resistant with a minimum anticipated lifespan of 20 years.
 - b. All wooden portions of community fencing shall consist of a minimum of one-inch by four-inch pickets, two-inch by four-inch

rails, and four-inch by four-inch posts set in concrete footing and spaced every seven feet or less on center. All wooden portions of community fencing shall consist of a minimum of three rails.

- c. A minimum one-inch by four-inch top board and a two-inch by six-inch wood cap shall be installed on the wooden portions of community fencing.
- d. The bottom of the fence shall be designed to prevent ground-to-pickets contact. One kick or rot board measuring, at a minimum, one-inch by six inches shall be used to cover the gap between the fence boards and ground.
- e. A semi-transparent stain used to finish and protect wood may be installed on the wooden portion of community fencing, with such installation being used uniformly throughout the development's community fencing.

3. Masonry fencing, pilasters and columns.

- a. Construction of masonry fencing, pilasters, and columns shall be in accordance with the recommended practices for engineered brick masonry as issued by The Brick Industry Association (formerly the Brick Institute of America).
- b. The approved primary material for masonry fencing, pilasters, and columns is clay-face brick. The use of brick veneer is prohibited on community fencing. Approved secondary materials include: stone; split-face CMU; pre-cast concrete; and/or, stucco.
- c. Where applicable, all community fencing masonry pilasters and all masonry fencing shall comply with the applicable architectural design standards, in compliance with subsection 7A.2.E., regulating primary materials and colors for exteriors of buildings, structures and fencing.
- d. Masonry fencing, pilasters, and columns shall be finished on all sides, and may be sealed with a transparent graffiti-resistant coating.
- e. The width and depth of pilasters and columns shall be no less than 12 inches.
- f. The extension of pilasters and columns above the wooden portion of community fencing is encouraged, but such extensions shall be done uniformly throughout a development's community fencing with a maximum of ten inches above the wooden portion.

E. Maintenance.

- 1. All fences constructed under the provisions of the ordinance shall be kept in good repair and maintained so as to comply with the requirements of this ordinance at all times.

2. Where a homeowner association or property owner association exists, such association may be responsible for maintaining community fencing in compliance with this ordinance in a consistent manner.

(Ord. No. O-03-23, § 3, 7-21-2003; Ord. No. O-04-56; 12/20/2004; Ord. No. O-08-41, 07-21-2008.)

Editor's note: Ord. No. O-03-23, § 3, adopted July 21, 2003, repealed App. A § 14.3, in its entirety and enacted new provisions to read as herein set out. Prior to amendment, § 14.3 pertained to fencing standards and derived from Ord. No. O-99-62, § 3, adopted Nov. 15, 1999; and Ord. No. O-01-65, § 12, 12-17-2001.